

**REMARKS**

This amendment is responsive to the non-final Office Action issued April 16, 2010. Reconsideration and allowance of claims 3-5, 7-13, 15-19, and 22-26 are requested.

**The Office Action**

Claims 3-5, 7-12, and 16-19 stand allowed

Claims 13-15, 21, and 22 stand rejected under 35 U.S.C. § 103 over Thakor ("Multi-Way Sequential Hypothesis Testing for Tachyarrhythmia Discrimination") as modified by Palmer (US 5,830,150).

**The Claims Distinguish Patentably  
Over the References of Record**

The allowance of claims 3-5, 7-12, and 16-19 is noted with appreciation.

The applicant is disappointed that the Examiner has withdrawn the earlier allowance of claim 13 and the claims dependent from it.

Claim 13 has been amended to incorporate the last three paragraphs of allowed claim 3, substantially verbatim. Accordingly, it is submitted that claim 13 and claims 15 and 22 dependent therefrom distinguish patentably and unobviously over the references of record.

Moreover, it should be noted that claim 13 is concerned with detecting artifacts. Thakor, by distinction, is concerned with a different problem. Specifically, as set forth in the Abstract of Thakor, Thakor is concerned with discriminating or differentiating between cardiac tachyarrhythmias, particularly supraventricular tachycardia (SVT) and ventricular tachycardia (VT), from normal sinus rhythm (NSR). As set forth in the first paragraph of Section II: THEORY of Thakor, Thakor is also concerned with discrimination between VT and ventricular fibrillation (VF). Thus, Thakor is concerned with differentiating among various types of cardiac arrhythmias, and not in detecting artifacts.

New claims 23 and 25 are directed to a computer-readable medium and an apparatus for detecting an artifact in which a processor performs the method

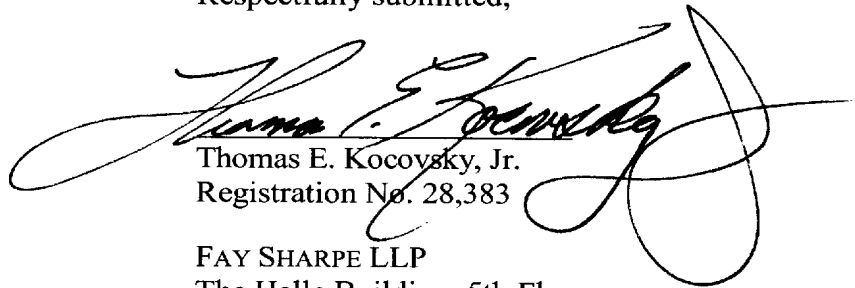
according to allowable claim 3. Accordingly, it is submitted that claims 23 and 25 are in condition for allowance.

New claims 24 and 26 are directed to a computer-readable medium and an apparatus for monitoring a patient in which a processor performs the method according to allowable claim 9. Accordingly, it is submitted that new claims 23 and 25 are now in condition for allowance.

### **CONCLUSION**

For the reasons set forth above, it is submitted that claims 3-5, 7-13, 15-19, and 22-26 distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Thomas E. Kocovsky, Jr.", is written over the printed name and registration number.

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